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ELLIOTT IV, BENJAMIN H	
ART UNIT	**PAPER NUMBER**
2474	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/588,586	TWISS, ADAM	
	Examiner	Art Unit	
	BENJAMIN ELLIOTT	2474	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26-43 and 45-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-43 and 45-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____.

DETAILED ACTION

1. In response to the office action mailed 4/03/2009, Claims 26-52 have been examined and are pending. Claims 26, 28-31, 33, 35, 37, 40, 43, and 45-47 have been amended. Claims 44 and 48-52 have been canceled.

Response to Amendment

2. In response to the amendments received in the Office on 10/02/2009, objections to the Drawings submitted with the Office action mailed on 4/03/2009 have been withdrawn.

3. In response to the amendments and remarks received in the Office on 10/02/2009, objections to the Specification submitted with the Office action mailed on 4/03/2009 have been withdrawn.

4. In response to the amendments and remarks received in the Office on 10/02/2009, rejections to claims 26-47 and 50-52 under 35 U.S.C. § 112, 2nd paragraph submitted with the Office action mailed on 4/03/2009 have been withdrawn.

5. In response to the amendments and remarks received in the Office on 10/02/2009, rejections to claims 44, 48, and 50-52 under 35 U.S.C. § 101 submitted with the Office action mailed on 4/03/2009 have been withdrawn.

Response to Arguments

6. Applicant's arguments filed 10/02/2009 with regards to Claims 26-52 under 35 U.S.C. § 103 (a) have been fully considered but they are not persuasive.

Applicant contends the Mauger reference fails to disclose "reading signaling data for a second traffic of a further or resumed communication session" and "controlling said further or resumed communication session". Examiner respectfully disagrees.

It is assumed by the Examiner that the Applicant believes the Mauger reference is simply examining packets that are part of an already established, and not controlling packets of another identified flow. Mauger discloses,

> According to a first aspect of the invention, there is provided a broad band network adapted to carry packet traffic and comprising a plurality of interconnected nodes, which nodes comprise tandem switches (12) and edge switches (13), said edge switches each incorporating an IP network interface or adapter (21) and being interconnected by permanent virtual channels via said tandem switches, wherein each said edge switch incorporates a cut-through routing function (52) having a memory (53) associated therewith for storing packet header information and having means for comparing header information from incoming packets with said stored information whereby to identify those packets forming a flow, means for segmenting each said packet determined to be part of a flow into minicells for transmission in sequence order over a said permanent virtual circuit established across the network for that flow, and default router means (55) for processing the packet headers of each of those packets not identified as part of a flow so as identify for that packet a destination edge switch for that packet and for segmenting that packet for transport over a default permanent virtual channel to said destination edge switch.

(Mauger: Col. 1, lines 64-67 through Col. 2, lines 1-11). In this citing, the Mauger reference suggests there could be multiple flows in that there may be identified packets that are not part of a particular flow. Mauger also discloses the incoming

packet of "a flow" is identified using the header information. Since the Mauger reference establishes flows from multiple devices in the network (Mauger: Figure 1 and Col. 2, lines 60-65), and determines if a packet is part of an established flow (above, cited), and controlling a further flow by using a "default router means (55) for processing the packet headers of each of those packets not identified as part of a flow so as identify for *that packet* a destination edge switch for *that packet* and for segmenting *that packet* for transport over a default permanent virtual channel to said destination edge switch." In other words, a packet is received, identified as not being part of an established flow, and controlled in such a way to determine a destination switch for that packet not identified as part of an established flow. The word "further" used in the limitation of claim 1 suggests the controlling of a new or not established communication session. The Mauger reference suggests that multiple flows are distinguished, packets are segmented, and then transported over a default permanent virtual channel.

Applicant further contends the Mauger reference is silent on using "payload data" for establishing the existence of a flow. This is not disclosed in the claims. In response to Applicant's claim that Mauger does not include certain features of Applicant's invention, the limitations on which the Applicant relies are not stated in the claims. It is the claims that define the claimed invention, and it is the claims, not the specifications, that are anticipated or unpatentable. *Constant v. Advanced Micro-devices Inc., 7USPQ2D 1064.*

The rejection of claims 26-52 stands.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 26-29, 32, 38-43, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,754,188 B1 to Garahi et al. (hereinafter "Garahi") in view of US Patent 6,466,578 B1 to Mauger et al. (hereinafter "Mauger").

Regarding Claims 26 and 43, Garahi discloses **a method of controlling traffic on a data network, the traffic comprising payload data and associated signaling data** (Garahi: Col. 2, lines 14-18. A network node is enabled to route data packets to other nodes in a wireless communication network based on the content of the data packet. Col. 4, lines 66-67; Col. 5, line 1. Voice, video, and data are types of payload for the packet. Col. 3, lines 57-62. Each node transmits routing table information to other neighboring nodes in the

network at periodic intervals. This corresponds to associated signaling data.), **the method comprising:**

reading a portion of the payload data for a first traffic of a communications session between a first entity and a second entity communicating over the network (Garahi: Figures 3 and 4; Col. 6, lines 39-43. Node 102.1 receives a data packet and examines the contents of the packet. Node 102.1 may receive the packet from 102.6, 102.4, or 102.2.);

determining whether said portion of payload data identifies a traffic content type to be controlled (Garahi: Col. 4, lines 66-67 and Col. 5, lines 1-30. The types of traffic contained in the data packet that can be controlled are: Type 1 data, Type 2 data, and Type 3 data. Col. 6, lines 43-49. The controller determines and specifies a traffic path based on the content of payload. For example, if the controller identifies the type to be "Type 1" traffic, it chooses a path of low latency.).

For Claim 43, Garahi discloses **processor control code to, when running, control traffic on a data network** (Col. 14, lines 28-33. The computer readable medium contains instructions to perform the method.).

Although Garahi does teach storing signaling data (in the form of routing tables), comparing incoming headers with stored headers (the stored headers are pre-defined), and controlling the traffic (based on the type of traffic), Garahi is silent on storing the signaling data associated with the incoming packet, comparing the signaling data with the previously stored signaling data, and controlling the further communication traffic.

However, Mauger discloses **storing signaling data associated with the portion of payload data** and **reading signaling data for a second traffic of a further or resumed communications session on the network and comparing the read signaling data with the stored signaling data to identify said second traffic as a further traffic of the controlled type** (Mauger: Figure 4; Col. 3, lines 50 -54. A packet header from a first packet is stored in content addressable memory for comparison with information from other packets. Col. 3, lines 41-44. The information that is compared is header information. Also see Col. 1, lines 64-67 through Col. 2, lines 1-11 and Figure 1 and Col. 2, lines 60-65.). Mauger further describes **controlling the further traffic session responsive to the identification** (Mauger: Col. 3, lines 44-48. If the comparison is a match, the packet is encapsulated and set for transmission for the designated flow. Col. 3, lines 55-58. If there is no match, the packet is passed to a default router.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi to include storing incoming header information, comparing the header information with existing, stored header information, and controlling the session traffic as taught by Mauger to overcome the deficiencies IP voice telephony, most specifically the ability for the transport of connectionless packet traffic in real time, wherein the destination of the packet has already been established (Mauger: Col. 1, lines 36-44 and col. 2, lines 37-41).

Regarding Claim 27, Garahi in view of Mauger discloses **a method as claimed in Claim 26, wherein the controlling comprises controlling a route of the further or resumed communications session traffic** (Mauger: Col. 3, lines 44-48. If the comparison is a match, the packet is encapsulated and set for transmission for the designated flow. Col. 3, lines 55-58. If there is no match, the packet is passed to a default router. Also see Col. 1, lines 64-67 through Col. 2, lines 1-11 and Figure 1 and Col. 2, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi to include controlling a route of further communications as taught by Mauger to overcome the deficiencies IP voice telephony, most specifically the ability for the transport of connectionless packet traffic in real time, wherein the destination of the packet has already been established (Mauger: Col. 1, lines 36-44 and col. 2, lines 37-41).

Regarding Claim 28, Garahi in view of Mauger discloses **a method as claimed in Claim 26, wherein the reading of signaling data for the second traffic includes reading at least a portion of the signaling data for the second traffic, wherein said method includes determining from the signaling data an address of an originator of said further or resumed communications session** (Mauger: Figure 4; Col. 3, lines 50 -54. A packet header from a first packet is stored in content addressable memory for comparison with information from other packets. Col. 3, lines 41-44. The information that is compared is header information. Also see Col. 1, lines 64-67

through Col. 2, lines 1-11 and Figure 1 and Col. 2, lines 60-65.), **said originator comprising one of the first and second entities, and wherein said method comprises sending a signal to the originator using the determined address** (Garahi: Col. 3, lines 57-62. Routing tables are broadcast to each of the nodes in the network.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi to include controlling a route of further communications as taught by Mauger to overcome the deficiencies IP voice telephony, most specifically the ability for the transport of connectionless packet traffic in real time, wherein the destination of the packet has already been established (Mauger: Col. 1, lines 36-44 and col. 2, lines 37-41).

Regarding Claim 29, Garahi in view of Mauger discloses **a method as claimed in Claim 26, wherein the controlling comprises signaling with the signaling data** (Garahi: Col. 3, lines 47-51. The mobile unit of the system is capable of sending and receiving packetized data signals.).

Regarding Claim 32, Garahi in view of Mauger discloses **a method as claimed in Claim 26, wherein the storing is responsive to the determining** (Mauger: Col. 3, lines 41-54. The routing function determines if the packet is part of the flow. The packet can be stored in memory for comparison with subsequent packets.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi to include

store the packet information after determining the packet type as taught by Mauger to overcome the deficiencies IP voice telephony, most specifically the ability for the transport of connectionless packet traffic in real time, wherein the destination of the packet has already been established (Mauger: Col. 1, lines 36-44 and col. 2, lines 37-41).

Regarding Claim 38, Garahi in view of Mauger discloses **a method as claimed in Claim 26, wherein the network comprises a packet data network and wherein the signaling data includes a destination identifier** (Mauger: Figure 3. The data packet contains a destination identity (DI).).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of communicating data packets of Garahi to include header information containing a destination identifier as taught by Mauger to properly route data packets from a source to a destination in a communication network (Mauger: Col. 1, lines 8-11).

Regarding Claim 39, Garahi in view of Mauger discloses **a method as claimed in Claim 38, wherein the network comprises an internet protocol (IP) network in particular a transmission control protocol (TCP) IP network, and wherein the signaling data includes a destination address and port number** (Mauger: Col. 3, lines 48-51. IP packets are used to determine the existence of a stream of data based on the same source and destination addresses. Col. 3, lines 55-58. The proper destination port is determined if the flow is not recognized.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of communicating data packets of Garahi to include an IP network and information regarding the destination port as taught by Mauger to properly route data packets from a source to a destination in a communication network (Mauger: Col. 1, lines 8-11).

Regarding Claim 40, Garahi discloses **a method as claimed in Claim 26, wherein said traffic content type to be controlled includes peer-to-peer protocol network traffic employing a variable TCP port number for peer-to-peer connections** (Garahi: Col. 4, lines 36-39; Figure 3. One node is able to connect with and establish communication with another node. Col. 4, lines 66-67 and Col. 5, lines 1-30. The types of traffic contained in the data packet that can be controlled are: Type 1 data, Type 2 data, and Type 3 data. Also, Mauger: Col. 3, lines 48-51. IP packets are used to determine the existence of a stream of data based on the same source and destination addresses. Col. 3, lines 55-58. The proper destination port is determined if the flow is not recognized.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of communicating data packets of Garahi to include an IP network and information regarding the destination port as taught by Mauger to properly route data packets from a source to a destination in a communication network (Mauger: Col. 1, lines 8-11).

Regarding Claim 41, Garahi discloses **a method as claimed in Claim 40, wherein the controlling comprises routing the peer-to-peer traffic to a**

peer-to-peer network gateway (Garahi: Col. 3, lines 35-40. The network comprises gateway routers so nodes may access other networks.).

Regarding Claim 42, Garahi discloses **a method as claimed in Claim 40, wherein the controlling comprises routing the peer-to-peer traffic to a peer-to-peer network cache** (Garahi: Figure 2; Col. 3, lines 54-57. Each node contains memory for storing routing information.).

Regarding Claim 45, Garahi discloses **a router for controlling traffic on a data network, the traffic comprising payload data and associated signaling data** (Garahi: Col. 3, lines 41-44. The nodes can act as routers in the communication session. Col. 2, lines 14-18. A network node is enabled to route data packets to other nodes in a wireless communication network based on the content of the data packet. Col. 4, lines 66-67; Col. 5, line 1. Voice, video, and data are types of payload for the packet. Col. 3, lines 57-62. Each node transmits routing table information to other neighboring nodes in the network at periodic intervals. This corresponds to associated signaling data.), **the router comprising:**

a network interface for interfacing with the data network (Garahi: Figure 3; Each node contains a transceiver connected to an antenna to connect to the network.);

a data memory operable to store data to be processed (Garahi: Col. 3, lines 54-57. RAM is used to store routing information.);

an instruction memory storing Computer-executable code (Garahi: Col. 3, lines 54-57. The RAM may store other things such as instructions. Col. 14, lines 28-33. The computer readable medium contains instructions to perform the method.);

and a processor coupled to the network interface, to the data memory, and to the instruction memory and operable to process the data in accordance with computer-executable code stored in the instruction memory (Garahi: Figure 3; Col. 2, lines 26-67. A controller within the router device is operable to perform the operations and instructions of the method.), **whereby said processor is configured to:**

read a portion of the payload data for a first traffic of a communications session between a first entity and a second entity communicating over the network (Garahi: Figures 3 and 4; Col. 6, lines 39-43. Node 102.1 receives a data packet and examines the contents of the packet. Col. 2, lines 14-18. A network node is enabled to route data packets to other nodes in a wireless communication network based on the content of the data packet. Col. 4, lines 66-67; Col. 5, line 1. Voice, video, and data are types of payload for the packet. Col. 3, lines 57-62. Each node transmits routing table information to other neighboring nodes in the network at periodic intervals. This corresponds to associated signaling data.);

determine whether the portion of payload data identifies a traffic content type to be controlled (Garahi: Col. 4, lines 66-67 and Col. 5, lines 1-30. The types of traffic contained in the data packet that can be controlled are: Type 1

data, Type 2 data, and Type 3 data. Col. 6, lines 43-49. The controller determines and specifies a traffic path based on the content of payload. For example, if the controller identifies the type to be "Type 1" traffic, it chooses a path of low latency.).

Although Garahi does teach storing signaling data (in the form of routing tables), comparing incoming headers with stored headers (the stored headers are pre-defined), and controlling the traffic (based on the type of traffic), Garahi is silent on storing the signaling data associated with the incoming packet, comparing the signaling data with the previously stored signaling data, and controlling the further communication traffic.

However, Mauger discloses **store signaling data associated with the portion of payload data** and **read signaling data for a second traffic on the network and to compare said read signaling data with said stored signaling data to identify an attempt to begin a further communication session of said controlled traffic content type or to resume said communication session** (Mauger: Figure 4; Col. 3, lines 50 -54. A packet header from a first packet is stored in content addressable memory for comparison with information from other packets. Col. 3, lines 41-44. The information that is compared is header information.). Mauger further describes **control said further or resumed communication session responsive to the identification** (Mauger: Col. 3, lines 44-48. If the comparison is a match, the packet is encapsulated and set for transmission for the designated flow. Col. 3, lines 55-58. If there is no match, the packet is passed to a default router.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi to include storing incoming header information, comparing the header information with existing, stored header information, and controlling the session traffic as taught by Mauger to overcome the deficiencies IP voice telephony, most specifically the ability for the transport of connectionless packet traffic in real time, wherein the destination of the packet has already been established (Mauger: Col. 1, lines 36-44 and col. 2, lines 37-41).

Regarding Claim 46, Garahi in view of Mauger discloses **a router as claimed in Claim 45, wherein network comprises a packet data network** (Garahi: Col. 2, lines 10-13. Nodes communicate with data packets in a network.), but is silent on storing destination identifiers in response to identifying the controlled type of data.

However, Mauger discloses **wherein the signaling data comprises a destination identifier to identify a destination of a packet of data comprising said first traffic, and wherein said storing stores a destination identifier for said first traffic of said controlled traffic content type in said data memory responsive to identifying the controlled traffic content type** (Mauger: Figure 3. The data packet contains a destination identity (DI). Col. 3, lines 41-54. The routing function determines if the packet is part of the flow. The packet can be stored in memory for comparison with subsequent packets.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi to include

store the packet information after determining the packet type as taught by Mauger to overcome the deficiencies IP voice telephony, most specifically the ability for the transport of connectionless packet traffic in real time, wherein the destination of the packet has already been established (Mauger: Col. 1, lines 36-44 and col. 2, lines 37-41).

10. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garahi and Mauger, and further in view of US Patent Publication 2002/0161836 A1 to Hosomi (hereinafter "Hosomi").

Regarding Claim 30, Garahi and Mauger are silent on the payload data containing a message.

However, Hosomi discloses **a method as claimed in Claim 26, wherein said controlling comprises sending a message in the payload data** (Hosomi: [0099]. A slave device sends retry requests to the master device in the contents of the message.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi and Mauger to include request and response messages such as retry messages in the signaling data as taught by Hosomi to give a priority to retry requests, wherein the retry requests with the highest priority are requests that have previously been sent (Hosomi: [0015], [0100]).

Regarding Claim 31, Garahi and Mauger are silent on the payload data containing a retry message.

However, Hosomi discloses **a method as claimed in Claim 30, wherein the message includes a request to retry establishing said further or resumed communications session** (Hosomi: [0099]. A slave device sends retry requests to the master device in the contents of the message.).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi and Mauger to include request and response messages such as retry messages in the signaling data as taught by Hosomi to give a priority to retry requests, wherein the retry requests with the highest priority are requests that have previously been sent (Hosomi: [0015], [0100]).

11. Claims 33, 34, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garahi and Mauger, and further in view of US Patent 5,550,914 to Clarke et al. (hereinafter "Clarke").

Regarding Claim 33, the combination of Garahi and Mauger discloses **a method of Claim 26**, but are silent on receiving bi-directional signals from two distinct entities in communication with one another.

However, Clarke discloses, **wherein said reading of the portion of said payload data for the first traffic comprises reading first payload data for a communication from the first to the second entity and second payload data for a communication from the second to the first entity** (Clarke: Col. 14, lines 28-59. A message interceptor is placed between two signaling end-points in a point-to-point connection. The interceptor utilizes an interface to receive a first

portion of a link from the first end-point, and an interface to receive a second portion of a link from the second end-point. Col. 3, lines 46-59. The data extracted from the messages received from the first and second end-points can be of a combination of data items with a range of values.).

Garahi discloses **wherein said determining whether said portion of payload data identifies a controlled type of traffic determines whether both the first and the second payload data are of the controlled traffic type** (Garahi: Col. 4, lines 66-67 and Col. 5, lines 1-30. The types of traffic contained in the data packet that can be controlled are: Type 1 data, Type 2 data, and Type 3 data. Col. 6, lines 43-49. The controller determines and specifies a traffic path based on the content of payload. For example, if the controller identifies the type to be "Type 1" traffic, it chooses a path of low latency.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi and Mauger to further include a session involving a first and second endpoint in communication with one another, receiving payloads from both, and identifying the payloads of both end-points as taught by Clarke to reduce the amount of processing overhead at a signaling end-point while in communication with another end-point (Clarke: Col. 2, lines 13-19).

Regarding Claim 34, Garahi and Mauger are silent on storing payload data from both the end-points.

However, Clarke discloses **a method as claimed in Claim 33, further comprising buffering the first and second payload data for the determining**

(Clarke: Col. 10, lines 25-30. The transfer circuit comprises a buffer for storing the MSU (message signal unit) received from each end-point.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi and Mauger to further include a buffer for storing the contents of a message from end-points in a communication system as taught by Clarke to reduce the amount of processing overhead at a signaling end-point while in communication with another end-point (Clarke: Col. 2, lines 13-19).

Regarding Claim 47, the combination of Garahi and Mauger discloses **a router as claimed in Claim 46**, but are silent on receiving bi-directional signals from two distinct entities in communication with one another.

However, Clarke discloses **wherein said processor is further configured to: store portions of the payload data of the communications session sent from both the first and the second entity** (Clarke: Col. 10, lines 25-30. The transfer circuit comprises a buffer for storing the MSU (message signal unit) received from each end-point.).

Garahi discloses **determine when communications from both the first and second entities are of a said controlled traffic content type** (Garahi: Col. 4, lines 66-67 and Col. 5, lines 1-30. The types of traffic contained in the data packet that can be controlled are: Type 1 data, Type 2 data, and Type 3 data.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi and Mauger to further include a session involving a first and second endpoint in communication

with one another, receiving payloads from both, and identifying the payloads of both end-points as taught by Clarke to reduce the amount of processing overhead at a signaling end-point while in communication with another end-point (Clarke: Col. 2, lines 13-19).

12. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garahi and Mauger, and further in view of US patent 5,593,502 to Helbig, Sr. (hereinafter "Helbig").

Regarding Claim 35, Garahi and Mauger are silent on comparing the payload with a signature to a controlled type of traffic.

However, Helbig discloses **a method as claimed in Claim 26, wherein said determining comprises comparing the payload data with a signature of the controlled traffic content type** (Helbig: Col. 2, lines 1-12. data tampering is determined by checking the digital signal signature of incoming data to previously stored digital signatures.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Garahi and Mauger to include a signature comparison function as taught by Helbig to easily detect intrusion tampering (Helbig: Col. 2, lines 9-12).

13. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garahi and Mauger, and further in view of US Patent Publication 2003/0229900 A1 to Reisman (hereinafter "Reisman").

Regarding Claim 36, Garahi and Mauger are silent on interrupting the communication session.

However, Reisman discloses **a method as claimed in Claim 26, further comprising signaling, responsive to the determining, to at least one of the first and second entities to interrupt the communications session** (Reisman: pg. 98, col. 1, lines 23-32. A session can be interrupted during browsing interactions.).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Garahi and Mauger to include interrupting communication sessions as taught by Reisman to have the option of changing the connection or streaming session with the option of re-establishing the session later (Reisman: [0134], [0057]).

Regarding Claim 37, Garahi and Mauger are silent on attempting to resume the communication session.

However, Reisman discloses **a method as claimed in Claim 26, wherein said second traffic comprises an attempt to begin a further communications session of the controlled traffic content type or to resume the communications session, and wherein the controlling comprises controlling traffic of the further or resumed communications session** (Reisman: pg. 98, col. 1, lines 23-32. A session can be interrupted during browsing interactions. The session parameters are stored to later resume the session from the point of interruption.).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teachings of Garahi and Mauger to include resuming communication sessions as taught by Reisman to have the option of changing the connection or streaming session with the option of re-establishing the session later (Reisman: [0134], [0057]).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN ELLIOTT whose telephone number is (571)270-7163. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2474

BENJAMIN ELLIOTT
Examiner
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